

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

SHIMSHON WEXLER,

Plaintiff,

v.

EXPERIAN INFORMATION  
SOLUTIONS, INC. and EQUIFAX  
INFORMATION SERVICES, LLC  
Defendants.

CASE NO.

14-CV-1853-WSD-WEJ

DECLARATION OF SHIMSHON WEXLER IN SUPPORT OF MOTION TO  
COMPEL EQUIFAX TO PRODUCE A 30(b)(6) WITNESS

Shimshon Wexler, declares as follows:

1. My name is Shimshon Wexler.
2. I am over the age of 18 and I am competent to testify.
3. I am the Plaintiff in the above-captioned matter and have personal knowledge of the matters stated herein.
4. I reside at 1411 Dalewood Dr. NE in Atlanta, GA 30329 in the county of Dekalb. I am a citizen of the United States of America.

5. Since at least September 15, 2014 I have let Mr. Olson know that I wanted to take a 30(b)(6) deposition of Equifax. I have asked him for convenient dates for his client. He has not given me one.

6. On September 29, 2014, I noticed Equifax's 30(b)(6) deposition for October 21, 2014. See Exhibit "A".

7. Mr. Olson told me that Equifax would not be showing up at the October 21, 2014 scheduled deposition. He told me this either one day before or a few days before the deposition was supposed to have occurred.

8. On October 30, 2014 I wrote a letter to Mr. Olson outlining the status of events as it relates to this case up until that point with the intention of having a conference with Judge Johnson shortly after the letter was sent. See Exhibit "B".

9. On November 3, 2014 Mr. Olson wrote an email that "I have identified the deponent and will confirm her availability for the 17<sup>th</sup> in the morning." See Exhibit "C".

10. On November 10, 2014, I noticed Equifax's 30(b)(6) deposition for November 17, 2014. See Exhibit "D".

11. Equifax did not show up for the November 17, 2014 deposition either. Instead, as it had done last time, Mr. Olson told me just days before that Equifax would not be attending the scheduled deposition.

12. In compliance with this Court's Scheduling Order (dkt. no. 17, pg. 2) "Parties with discovery disputes are DIRECTED to contact the Chambers of the undersigned BEFORE filing any Motion. The Court prefers to handle such disputes via telephone conference where possible", Plaintiff asked for a telephone conference with Judge Johnson to seek assistance with his discovery dispute. The telephone conference was held on November 24, 2014.

13. The Court entered on its minute sheet on November 24, 2014 among other items that "[t]he [Equifax] 30(b)(6) deposition should be scheduled as soon as possible, even if it does not occur until January." See Exhibit "E".

14. On November 24, 2014 and on numerous occasions since then I have requested that Mr. Olson schedule the 30(b)(6) deposition for Equifax.


15. Mr. Olson has not complied with my requests.

16. I respectfully ask this Court to Order Equifax to attend a 30(b)(6) deposition on a date certain as I have not been able to gain the cooperation of Mr. Olson.

I declare under the penalties of perjury that the foregoing is true and correct.

Dated: 12-30-14

Respectfully Submitted,

  
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